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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,244	02/11/2004	Yong-Moon Won	P56930	9916

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Washington, DC 20005-1202

EXAMINER

SCHNURR, JOHN R

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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11/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/775,244

Applicant(s)

WON, YONG-MOON

Examiner

John R. Schnurr

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's argument, on page 2 paragraph 5 to page 3 paragraph 6 of the Remarks, that Ebling fails to disclose the detecting step and the confirming step recited in claim 1 of the instant application, the examiner respectfully disagrees. The detecting step states: detecting whether an extended text table (ETT) packet exists by retrieving received packets;

As stated in the Office Action, processor 22 separates incoming data according to the PID of the packet. (column 10 lines 51-58) The processor 22 has predetermined PID values stored, including the PID identifying the ETT, and thus can detect the existence of the ETT. (column 11 lines 14-20)

The confirming step states:

confirming a program including the extended text table (ETT) packet, when the existence of the extended text table (ETT) packet is detected;

Applicant argues that the rejection relied upon processor 22 to teach both the detecting and confirming steps, however processor 60 teaches the confirming step. After processor 22 detects the ETT, or other information packets captured by processor 22, processor 60 accesses, parses and assembles the program information. (column 11 lines 36-44) The act of parsing and assembling the packets confirms that a program contains the ETT, or other information.

Applicant further argues, on page 4 paragraph 3 of the Remarks, that the act of parsing and assembling is not a confirmation that the ETT packet exists, the examiner respectfully disagrees. The act of removing information from packetized form and reconstructing that data into its intended form will confirm if that packet includes ETT information.

Applicant further argues, on page 4 paragraphs 4-6 of the Remarks, that the combination of Andersen with Ebling fails to teach the limitation of:

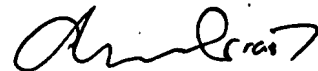
providing a visual indicator to a television program listed in an electronic program guide (EPG) displayed on the electronic program guide (EPG) screen, when an electronic program guide (EPG) ON command is requested by a viewer of said digital television, said visual indicator providing a visual indication of the existence of extended text table (ETT) information corresponding to said program;

because the symbol is predefined and Andersen does not make reference to an ETM corresponding to an ETT. Andersen was simply used to teach displaying an indicator of enhanced content on an EPG and allowing the user to select that indicator to access more information, the use of the ETM and ETT as well as the association of a program with the ETT is disclosed by Ebling.

In response to applicant's argument, page 4 paragraph 5 of the Remarks, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., continually changing the symbol associated with the program) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues, on page 5 paragraph 1 of the Remarks, that the cited art does not contain the teachings of claim 8, specifically with regards to "confirming a virtual channel". As stated in the Office Action Ebling teaches the use of virtual channels (column 10 lines 2-6) and processor 22 passes packets associated with a selected virtual channel to processor 60 (column 11 lines 4-8) and processor 60 confirms the ETT as described above.

Therefore the remaining dependent claims fail to overcome the cited art.



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